

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**JOSEPH CLAYPOOL,**

**Defendant.**

**8:16CR291**

## ORDER

This matter is before the court on the defendant's Unopposed Motion to Continue Trial [20] as counsel needs additional time to explore plea negotiations. Defendant's counsel represents defendant will file an affidavit consenting to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. The government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant's Motion to Continue Trial [40] is granted.
2. Trial of this matter is re-scheduled for **March 27, 2017**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **today's date and March 27, 2017**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 19<sup>th</sup> day of January, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge